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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 CHARLES WINDHAM,

12 Plaintiff,

13 v.

14 STATE OF CALIFORNIA, et al.,

15 Defendants.  
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No. 2:20-cv-773 TLN DB P

FINDINGS AND RECOMMENDATIONS

17 Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C.  
18 §1983. In a screening order filed August 31, 2020 (ECF No. 14), this court found plaintiff failed  
19 to state any claims in his second amended complaint that were cognizable under § 1983. This  
20 court further found that plaintiff may be able to state claims for a violation of his First  
21 Amendment right of access to the courts and for retaliation. Plaintiff was given 60 days to file a  
22 third amended complaint.

23 In an order filed November 3, 2020 (ECF No. 19), this court granted plaintiff's motion for  
24 an extension of time to file a third amended complaint. Plaintiff's third amended complaint was  
25 due for filing on January 2, 2020.

26 The due date for filing the third amended complaint has passed and plaintiff has not filed a  
27 third amended complaint or otherwise responded to the court's November 3 order.

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1 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for  
2 plaintiff's failure to comply with court orders and prosecute this action. See E.D. Cal. R. 110;  
3 Fed. R. Civ. P. 41.

4 These findings and recommendations will be submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after  
6 being served with these findings and recommendations, plaintiff may file written objections with  
7 the court. The document should be captioned "Objections to Magistrate Judge's Findings and  
8 Recommendations." Plaintiff is advised that failure to file objections within the specified time  
9 may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951 F.2d  
10 1153 (9th Cir. 1991).

11 Dated: January 25, 2021

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14 DEBORAH BARNES  
15 UNITED STATES MAGISTRATE JUDGE  
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